

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

APR 05 2007

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

ANDRE SCALES,
Plaintiff,

v.

BRISTOL VIRGINIA CITY JAIL, et al.,
Defendants.

) Civil Action No. 7:06cv00556
)
)

) **FINAL ORDER ADOPTING REPORT**
) **AND RECOMMENDATION**
)

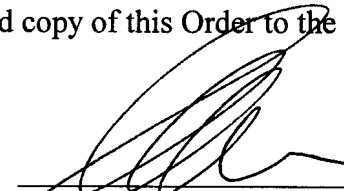
) By: Samuel G. Wilson
) United States District Judge

Andre Scales brings this suit pursuant to 42 U.S.C. § 1983, claiming that he was subjected to an excessive use of force and that defendants failed to provide him with adequate medical treatment.¹ Defendants moved for summary judgment and the court referred the matter to United States Magistrate Judge Michael F. Urbanski for a report and recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge subsequently filed a report, finding that plaintiff failed to present any issue of material fact and that the defendant is entitled to judgment as a matter of law and therefore recommending that the court grant the defendants' motion for summary judgment. Neither party has filed objections. Having reviewed the Magistrate Judge's Report and Recommendation and pertinent portions of the record, the court agrees with the Magistrate Judge's recommendation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's Report and Recommendation is **ADOPTED** in its entirety, defendants' motion for summary judgment is **GRANTED**; defendants' motion to dismiss is **DENIED as MOOT**; Scales' suit is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and this matter is **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send a certified copy of this Order to the plaintiff.

ENTER: This 5th day of April, 2007.



United States District Judge

¹ By Memorandum Opinion and Order entered October 18, 2006, Scales' claims against the Jail and Scales' claims for injunctive relief were dismissed.